

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

FUSION ELITE ALL STARS, *et al.*

Plaintiffs,

v.

VARSITY BRANDS, LLC, *et al.*,

Defendants.

Case No. 2:20-cv-2600

**MOTION TO STRIKE CLASS ALLEGATIONS AND SPURIOUS ALLEGATIONS
REGARDING SEXUAL ABUSE**

Defendants Varsity Brands, LLC, Varsity Spirit, LLC, Varsity Spirit Fashions & Supplies, LLC, and U.S. All Star Federation, Inc. (“Defendants”), through their undersigned counsel, and pursuant to Federal Rules of Civil Procedure 12(f) and 23, hereby move this Court to strike Plaintiffs’ class allegations and allegations relating to sexual abuse in the cheerleading industry from the Consolidated Complaint (ECF No. 56).

Pursuant to Local Rule 7.2(d), movants request oral argument because they believe it will assist the Court in understanding the motion and the attendant issues and to answer any questions the Court may have.

WHEREFORE, for the reasons set forth in Defendants’ Memorandum of Law in Support, filed contemporaneously herewith, Defendants respectfully request that the Court strike Plaintiffs’ class allegations and allegations relating to sexual abuse (specifically, paragraphs 40-50 and 237-241, respectively, and that portion of Plaintiffs’ claim for relief that relates to the putative class).

Dated: December 1, 2020

Respectfully submitted,

By: s/ Matthew S. Mulqueen

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CERTIFICATE OF CONSULTATION

Counsel for Defendants hereby certify that they consulted with Eric L. Cramer, counsel for Plaintiffs, on November 30, 2020, via electronic mail to determine whether Plaintiffs oppose the relief sought in this Motion. Plaintiffs' counsel stated that Plaintiffs oppose the relief requested in this Motion.

s/ Matthew S. Mulqueen

Matthew S. Mulqueen (TN #28418)